



3738  
#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Patrick Rivelli, Jr.  
SERIAL No.: 09/715,878  
FILED: November 17, 2000  
FOR: NEUROVASCULAR STENT AND METHOD

EXAMINER: Ho  
ART UNIT: 3738  
Confirmation No. 7631

Assistant Commissioner for Patents  
Washington, D.C. 20231

REQUEST FOR WITHDRAWAL AS ATTORNEY (37 C.F.R. § 10.40(c))

REQUEST FOR PERMISSION TO WITHDRAW

1. I, a patent attorney signing below, respectfully request permission to withdraw from all further responsibility in this case, in accordance with 37 C.F.R. § 1.36.

(complete the following item, if appropriate)

☐ Because the amendment referred to in item 4A(iii) below is a continuing application signed only by an attorney named below under

- ☐ 37 C.F.R. § 1.60(b),
- ☐ 37 C.F.R. § 1.62(c),

this withdrawal request is also for such continuing application.

LAST KNOWN ADDRESS OF CLIENT

2. The last known mailing address of the:

- ☐ inventor(s)
- ☒ assignee of the entire interest is

2551 Merced Street, San Leandro, CA 94577.

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BASIS FOR WITHDRAWAL REQUEST

3. The basis for the request for withdrawal is 37 C.F.R. 10.40(c).

*Explanation (including brief description of exhibits, if any):*

Client's letter faxed to our offices on **December 9, 2002** requesting transfer of cases to Albert Kau at Scimed Life Systems, Inc., M/S A150, One Scimed Place, Maple Grove, MN 55311-1566. A copy of the letter is enclosed herewith.

ALLOWANCE OF TIME FOR CLIENT TO ACT

4. Status of this Application

A. Response due (if any)



- (i) ☒ There is no outstanding term for response.  
(ii) ☐ There is an outstanding term for response that is set to expire on \*.  
The above term is extendible under 37 C.F.R. § 1.136(a), until \*.

*(complete the following, if applicable)*

- (iii) ☐ Also submitted herewith, is a response to the outstanding Official Action.

**B. Time Left for Response**

Therefore, the amount of time for response, including extension under 37 C.F.R. § 1.136(a), is:

- ☐ one month.  
☐ cannot be calculated because this case is awaiting action by the PTO.

**NOTIFICATION OF CLIENT**

5. In accordance with 37 C.F.R. § 10.40(a), a copy of this request, including attachment, is being sent to the client.

*Note: A practitioner shall not withdraw from employment without giving due notice to his or her client, 37 C.F.R. § 10.40(a).*

**NUMBER OF COPIES OF REQUEST**

6. This request is enclosed in triplicate.

*Note: To expedite the handling of request for permission to withdraw as attorney under 37 C.F.R. § 1.36 submit the request in triplicate (original and two copies.) Notice of September 3, 1985 (1058 O.G. 32).*

7. Related Applications for which Withdrawal is Requested

Withdrawal is also requested in the following related application of the:

*(check all applicable items)*

- ☐ inventor(s):  
☐ assignee:  
☐ common representative:

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**Application Number      Group      Status of Withdrawal request**

None

**SIGNATURE(S) OF WITHDRAWING ATTORNEY(S) (PRACTITIONER(S))**

*Note: Each attorney of record must sign the notice of withdrawal or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of another. M.P.E.P. § 402.06, 6<sup>th</sup> ed., rev. 3.*

8. Signature(s) of the attorney(s) withdrawing (or signature of an authorized attorney on behalf of all attorneys withdrawing)



Attorney Docket No. 55877-8011.US00

**Peter J. Dehlinger, Registration No. 28,006**

Judy M. Mohr, Reg. No. 38,563

LeeAnn Gorthey, Reg. No. 37,337

Linda R. Judge, Reg. No. 42,702

Larry W. Thrower, Reg. No. 47,994

*Signature of withdrawing attorney authorized to sign on behalf of all attorneys listed above who are also withdrawing  
Peter J. Dehlinger, Registration No. 28,006*

12-12-02

Date

Correspondence Address:

Customer No. 22918

Phone: 650 838-4401

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# SMARTTherapeutics

SHAPING A MINIMALLY INVASIVE FUTURE



Peter J. Dehlinger, Esq.  
Perkins Coie LLP  
101 Jefferson Drive  
Menlo Park, CA 94025

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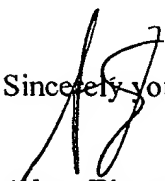
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Dear Peter:

Following up on our conversation on Friday, Smart Therapeutics Inc. merged with Boston Scientific on November 22, 2002. Since Boston Scientific does all of its patent work in house, they have asked that we deliver all of our patent files to them. Therefore, please deliver our files to Albert Kau at Scimed Life Systems, Inc. M/S A150 One Scimed Place, Maple Grove, MN 55311-1566.

Thank you so much for all your help and ideas over the last several years. I look forward to working with you in the future.

Sincerely yours,

  
Adam Elsesser  
President and CEO  
Smart Therapeutics, Inc.



PETER J. DEHLINGER  
(650) 838-4401  
dehlp@perkinscoie.com

Perkins  
Coie

101 Jefferson Drive  
Menlo Park, CA 94025-1114  
PHONE: 650.838.4300  
FAX: 650.838.4350  
www.perkinscoie.com

December 12, 2002  
Via Federal Express

Albert Kau  
Scimed Life Systems, Inc.  
M/S. A150  
One Scimed Place  
Maple Grove, MN 55311-1566

Re:	<u>U.S. Patent Appln No.</u>	<u>Filing Date</u>
	60/129,758	4/15/99
	09/548,172	4/13/00
	09/548,682	4/13/00
	09/548,683	4/13/00
	60/129,757	4/15/99
	60/129,668	4/15/99
	60/129,672	4/15/99
	60/129,667	4/15/99
	60/177,881	1/24/00
	09/768,700	1/24/01
	60/211,352	6/13/00
	60/241,101	10/16/00
	09/715,878	11/17/00
	60/279,172	3/27/01
	10/109,112	3/27/02
	60/362,224	3/6/02

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Dear Mr. Kau:

We are in receipt of an email dated December 9, 2002 from Adam Elsesser instructing us to transfer the above-referenced patent applications to you for further handling. Enclosed are those files. Also enclosed are the foreign counterparts to those cases.

Additionally, we have filed a Request for Permission to Withdraw as Attorney under 37 CFR §10.40(c) in each of the pending U.S. cases.

For your information, there is an issue fee due in the 09/768,700 application by January 8, 2003. This is, of course, non extendible.

Albert Kau  
December 12, 2002  
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For your reference, we are also enclosing a docket listing for each case and a master listing which includes all the cases, pending, abandoned and closed.

By signing, dating, and returning the copy of this letter, you agree to assume all responsibility for further actions required in these cases.

If you have any questions, please contact our offices.

Yours very truly,

A handwritten signature in cursive script that reads "Peter J. Dehlinger".

Peter J. Dehlinger

PJD/lba

Encs.

cc: Adam Elsesser, Smart Therapeutics, Inc. (copy of letter and master docket listing)

Acknowledgement of Receipt:

By: \_\_\_\_\_ Date: \_\_\_\_\_

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